

Message Text

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ACTION EUR-12

INFO OCT-01 EA-06 ISO-00 AID-05 CEA-01 CIAE-00 COME-00

EB-07 FRB-03 INR-07 NSAE-00 RSC-01 CIEP-01 SP-02

STR-01 TRSE-00 LAB-04 SIL-01 SAM-01 OMB-01 AGR-05

DODE-00 H-01 INT-05 L-02 NSC-05 PA-01 SS-15 TAR-01

USIA-06 PRS-01 /096 W

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FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 8184

INFO ALL EC CAPITALS 280

AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: ETRD, EEC

SUBJECT: GATT PANELS ON DISC AND RELATED TAX PRACTICES

1. US OFFICIALS HEADED BY TREASURY GENERAL COUNSEL RICHARD ALBRECHT MET WITH EC COMMISSION REPRESENTATIVES (PHAN VAN PHI AND ABBOTT) JANUARY 28 TO DISCUSS THE SELECTION OF THE PANEL TO HEAR THE GATT COMPLAINT BY EC AGAINST DISC LEGISLATION AND THE US COMPLAINTS AGAINST THE TAX PRACTICES OF FRANCE, BELGIUM, AND THE NETHERLANDS. THE SELECTION OF CHAIRMAN LAI AND OF HUSLID AND FALCONER AS GATT EXPERT MEMBERS OF THE PANEL WAS CONFIRMED. IT WAS UNDERSTOOD THAT IT WAS NECESSARY ONLY TO SELECT TWO TAX EXPERT MEMBERS TO COMPLETE THE PANEL. THE US SIDE PROPOSED A LIST OF NAMES AS POSSIBLE TAX EXPERTS, INCLUDING RICHARD GOODE (US), LEIF MUTEN (SWEDEN), JOHN CHOWN (UNITED KINGDOM), ALLEN PREST (UNITED KINGDOM), ALBERT RAEDLER (WEST GERMANY), HIROSHI KANEKO (JAPAN), AND JOHN DUE (US). WE ALSO SUBMITTED A PROPOSED PROCEDURE TO BE FOLLOWED BY THE PANEL

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(COPY BEING POUCHED SEPARATELY TO US MISSION GENEVA) IN

CONSIDERING THE EC COMPLAINT AGAINST THE DISC AND US COMPLAINTS AGAINST THE TAX PRACTICES OF THE EC MEMBER STATES.

2. THE COMMISSION OFFICIALS INDICATED THAT THEY WISHED TO PROPOSE ADDITIONAL TAX EXPERT NOMINEES, BUT THAT THEY WOULD PROBABLY NOT BE ABLE TO RESPOND TO OUR PROPOSALS OR TO SUBMIT THEIR NOMINEES BEFORE THE END OF FEBRUARY. THE EC FURTHER ACKNOWLEDGED THAT IT WOULD BE UNLIKELY THAT THE PANEL PROCEEDINGS COULD BEGIN BEFORE EASTER.

3. COMMENT: WE BELIEVE THAT THE MEETING RESPONDED ADEQUATELY TO EC COMPLAINTS OF US DELAY, AND THAT THE COMMISSION OFFICIALS RECOGNIZE THAT THE NEXT STEP IS UP TO THE EC. GREENWALD

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